

Atty. Docket No.: 214022/2005 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Charles Duncan	Examiner:	William D. Cumming
Serial No.:	10/626,460	Group Art Unit:	2683
Filed:	July 24, 2003		
Entitled:	Apparatus and Method for Tracking the Location and Position of an Individual Using an Accelerometer		

Conf. No.: 1315

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8a**

I hereby certify that this correspondence (and any paper or fee referred to as being enclosed) is being deposited with the United States Post Office as First Class Mail on the date indicated below in an envelope addressed to Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Andrea MacVarish

Name of Person Mailing Paper

*Andrea MacVarish*

Signature of Person Mailing Paper

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Enclosed for filing in response to the Notice of Non-Compliant Amendment dated January 16, 2006, ce Action mailed December 13, 2005, in the above-identified patent application, please find the following documents:

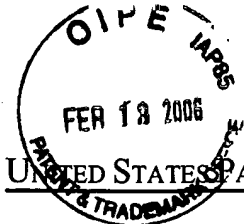
1. Response to Notice of Non-Compliant Amendment;
2. Copy of Notice of Non-Compliant Amendment dated January 19, 2006;
3. Figure 4 Replacement Sheet; and
4. Return Post Card.

The Commissioner for Patents is hereby authorized to charge any fees to Deposit Account No. 16-0085, Reference 214022/2005. A duplicate of this transmittal letter is enclosed for this purpose.

Respectfully submitted,

Date: February 9, 2006

*Ralph A. Loren*  
Name: Ralph A. Loren  
Registration No.: 29,325  
Customer No.: 29933  
Edwards Angell Palmer & Dodge LLP  
111 Huntington Avenue  
Boston, MA 02199-7613  
Tel: 617-239-0100



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141022/2005

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,460	07/24/2003	Charles Duncan	GAR-003	1315

959 7590 01/19/2006

LAHIVE & COCKFIELD, LLP.  
28 STATE STREET  
BOSTON, MA 02109

EXAMINER

CUMMING, WILLIAM D

ART UNIT PAPER NUMBER

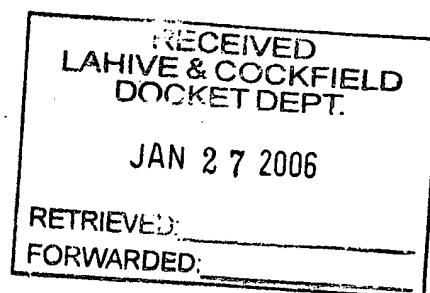
2683

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EDWARDS ANGELL PALMER & DODGE LLP  
111 Huntington Ave. Boston, MA 02199

Docketed for Rep. to communication  
By 2/19/06 (7/19/06 esp)  
Approved [Signature]





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### Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 1/9/06 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☒ 3. Amendments to the drawings: Annotated sheet #4 is missing.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and **this ONE MONTH time limit is not extendable.**

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION (including a submission for an RCE)**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

Denise Hopkins  
Legal Instruments Examiner (LIE)

571-272-7259  
Telephone No.